

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

MELODY L. LEE, as Personal
Representative of the ESTATE OF
JOHN ANDREW MORTON, deceased

PLAINTIFF

V.

CASE NO. 08-2115

BOBBY A. OVERBEY and
BRENT HIGGINGS TRUCKING, INC.

DEFENDANT

ORDER

Before the court is the Plaintiff's Motion to Reconsider this Court's earlier ruling on her Motion to Quash Defendant's Notice to Take Deposition of Bryan Morton and Subpoena Duces Tecum. (Doc. 165). Plaintiff contends that the discovery cut off deadline in this case was November 30, 2009. In our previous Order, the Motion was denied pursuant to the amended scheduling order dated June 1, 2009, extending the discovery deadline to December 15, 2009. (Doc. 46). Plaintiff contends that another scheduling order was entered on August 29, 2009, resetting the trial date for February 1, 2010, two weeks earlier, and stating that "all final scheduling order deadlines are adjusted accordingly." (Doc. 104). She contends that this language reset the discovery deadline to November 30, 2009. After conferring with Judge Dawson's chambers, we conclude that the August 2009 scheduling order is ambiguous as it does not clearly indicate the discovery deadline. As the Defendants' were relying on the June 1, 2009 scheduling order stating that the discovery deadline was December 15, 2009, and there has been no order specifically rescheduling the discovery deadline, our previous ruling will stand.

Accordingly, the Plaintiff's Motion to Reconsider is hereby DENIED. It is so ORDERED on this the 8th day of December 2009.

/s/ J. Marschewski

Honorable James R. Marschewski
United States Magistrate Judge